

REMARKS

The present amendment is submitted in response to the Office Action dated March 21, 2005, which set a three-month period for response, making this amendment due by June 21, 2005.

Claims 1-5 and 9 are pending in this application.

In the Office Action, the previously imposed election/restriction requirement was made final, and therefore, claims 6-8 were withdrawn from further consideration. The drawings were objected to for an informality. Claims 1 and 3-5 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,921,526 to Najmohoda. Claims 1-5 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,719,006 to Fleischer.

In the present amendment, claim 1 was amended to replace the inaccurately translated phrase, "injected into a flange", with "extrusion-coated with the flange", as described in the specification on page 13, line 4.

Claim 1 was further amended to define that by means of the valve closing member, a fluid flow between the supply port (18) and the consumer port (16) is controllable. This feature is disclosed on page 11, lines 7-10.

In addition, new claim 9 was added, which depends on claim 1 and which defines that an edge layer of the preform upon extrusion-coating of the preform (22) with the flange (12) is superficially fused and welded with the flange. Support for this feature can be found in the specification on page 12, lines 1-4.

The pressure control valve disclosed in Najmolhoda has a valve unit 12, which is formed as one piece with the housing 19 of the magnet part. In the housing 19, a coil shell 18 made of plastic is placed, which has a valve chamber 18e with a spherical valve closing member 38. The valve closing member 38 controls the draining of fluid from a servo chamber 75 in the return 74a. Therefore, it is a servo valve. The fluid flow between the supply port 72 and the consumer port 80 in Najmolhoda is controlled by a control piston 67, which should be considered as the only valve closing member. In Najmolhoda, the chamber 66 surrounding the control piston 67, however, is not formed on a preform, and the fluid flow from the supply port to the consumer also is not controlled by a valve closing member, which is arranged in a valve chamber of a preform, as recited in amended claim 1.

Najmolhoda also does not provide that any part of the valve unit is made as a preform and that this part is subsequently extrusion-coated with a flange. In Najmolhoda, the magnetic components 18 with the servo-valve chamber 183 is displaced into the valve housing 19, which has the flange. However, it is not extrusion-coated with a flange. In Najmolhoda, the control piston 67 representing the only valve closing member is manufactured as a separate component from metal. The control edges of the control piston 67 which are responsible for the supply of fluid from the supply port 72 into the consumer port 80 in Najmolhoda are made from metal.

In contrast, claim 1 of the present application recites that the regions responsible for the supply of fluid to the consumer are arranged on a preform

made of plastic; that is, no metal parts are used. This preform is not displaced into a flange; rather it is extrusion-coated with the flange, and therefore, is connected as one piece and hermetically sealed. Such a pressure control valve is not disclosed in the Najmolhoda reference.

Therefore, the rejection of claim 1 under Section 102 must be withdrawn, since Najmolhoda fails to disclose these features of claim 1. Anticipation under Section 102 requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.

Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 221 USPQ 481, 485 (Fed. Cir. 1984).

The reference to Fleischer discloses a pressure control valve with a valve unit made of plastic, which is made as an injection-molded part. Such a pressure control valve was discussed in the present application on page 2, last paragraph. The pressure control valve in Fleischer has a filter cap 56, which is displaced onto the valve unit. Fleischer, however, fails to disclose or suggest the valve unit 18, which has a valve chamber and fluid channel, formed on a preform, which is injected into a flange (and therefore, is connected as one piece with the flange). The filter cap 56 is not sprayed onto the valve unit, rather only displaced.

Therefore, the practitioner would not be lead to the present invention as defined in amended claim 1 by combining the Najmolhoda and Fleischer patents. When establishing obviousness under Section 103, it is not pertinent whether the prior art device possesses the functional characteristics of the claimed invention, if

the reference does not describe or suggest its structure. *In re Mills*, 16 USPQ 2d 1430, 1432-33 (Fed. Cir. 1990).

For the reasons set forth above, the Applicant respectfully submits that claims 1-5 and 9 are patentable over the cited art. The Applicant further requests withdrawal of the rejections under 35 U.S.C. 102 and 103 and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicant respectfully submits that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,



Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700